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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Roland Cherif-Cheikh, et al.
Serial No. : 09/832,273
Filed : April 10, 2001
Title : INJECTION DEVICE

Art Unit : 1641
Examiner : Ann Y. Lam
Conf. No. : 2832

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Ex parte Quayle action dated November 5, 2007, rejecting claim 28. A petition for an extension of time under 37 CFR §1.136 to extend the time to respond to the action for 4 month(s) to and including May 5, 2008 was filed on May 2, 2008.

A check in the amount of \$510 for the appeal fee is enclosed. However, applicants filed on May 2, 2008 a reply to the action canceling claim 28 in an attempt to put the application into condition for allowance. If a Notice of Allowance is issued in response to applicants' amendment, applicants respectfully request that the appeal fee be refunded and credited to Deposit Account No. 06-1050, referencing Attorney Docket No. 05339-014003.

Respectfully submitted,

Date: May 5, 2008
Todd E. Garcia, Ph.D.
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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 5, 2008

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